

DJONIBEK RAHMANKULOV
REGISTER NO. 08873-509
F.C.I. OAKDALE II
P.O. BOX 5010
OAKDALE, LOUISIANA 71463

August 14, 2023

The Honorable Ronnie Abrams
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Djonibek Rahmankulov*, 20 Cr. 653 (RA)

Dear Judge Abrams:

Defendant respectfully submits this letter requesting that the Court amend, pursuant to Rule 36 of the Federal Rules of Criminal Procedure, the written judgment in this case to clarify that either (1) the fine imposed by the Court is to be paid during Defendant's period of supervised release, or (2) that the funds seized from the Defendant by the Government shall be credited towards the fine imposed, and requires no further payment.

As a preliminary matter, Defendant was advised by former counsel that the Government had agreed to apply funds seized from bank accounts – totaling more than \$60,000 – to the financial penalties imposed at sentencing (which totaled \$50,3000).

Currently, the Bureau of Prisons – based on the vagueness of the written judgment – is attempting to compel Defendant to make payments towards a fine, despite his indigency and inability to make such payments. The Court, at the time of sentencing, failed to set a payment schedule, and although the Court inquired of counsel regarding a payment schedule, the Government did not seek a specific payment schedule.

It bears noting that the Second Circuit has expressly forbidden district court judges to delegate the scheduling of a fine payments to the Bureau of Prisons. *See, e.g., United States v. Workman*, 110 F.3d 915, 919-20 (2d Cir. 1997)(vacating judgment permitting BOP to set payment schedule for fine imposed by court).

In view of the foregoing, the Court should promptly amend the written judgment, and cause the Bureau of Prisons to be so notified of the amendment.

WHEREFORE, for good cause shown, Defendant prays that the Court will grant this motion.

Respectfully submitted,

Djonibek Rahmankulov

DJONIBEK RAHMANKULOV

CERTIFICATE OF SERVICE

This shall certify that a true and correct copy of this letter-reply has been furnished upon the Office of the United States Attorney for the Southern District of New York, at One Saint Andrew's Plaza, New York, New York, on this 14th day of August, 2023, by my having caused same to be so furnished thereupon by United States Mail, Postage Prepaid.

Djonibek Rahmankulov

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